



AF/GAV 3711 \$
Part # 19 1/2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Michael J. Sullivan
For : **IMPROVED MULTI-LAYER GOLF BALL**
Serial No. : 08/815,556
Filed : March 12, 1997
Group Art Unit : 3304
Examiner : M. Graham
Last Office Action : October 22, 1997
Attorney Docket No. : SLD 2 035-1-1

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GROUP 3200

Cleveland, Ohio 44114-2518
July 20, 1998

**COMMUNICATION AND TRANSMITTAL OF
RULE 37 C.F.R. § 1.192 APPELLANT'S BRIEF**

Assistant Commissioner for Patents
Washington, DC 20231
BOX AF

Dear Sir:

Enclosed are three copies of a RULE 37 C.F.R. § 1.192 APPELLANT'S BRIEF and a check in the amount of \$310.00 in payment of fees upon filing the Brief.

The Commissioner is authorized to charge any additional fees, or refund any overpayment to Deposit Account No. 06-0308.

CERTIFICATE OF MAILING

I hereby certify that this **COMMUNICATION AND TRANSMITTAL OF RULE 37 C.F.R. § 1.192 APPELLANT'S BRIEF** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 20, 1998.

By: Mary Ann Temesvari

Mary Ann Temesvari

Date: 7/20/98

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**Showing Under 37 C.F.R. § 1.195 For Introducing
Information After Notice of Appeal**

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This showing is presented concurrently with Applicant's Appeal Brief in the above-captioned application. This showing is presented in order to introduce

CERTIFICATE OF MAILING

I hereby certify that this Showing Under 37 CFR §1.195 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on July 20, 1998.

By:

Mary Ann Temesvari
Mary Ann Temesvari

information referenced and included in the Appeal Brief pertaining to the nonobviousness of the claimed subject matter. This information relates to the commercial success, praise within the industry, and the extensive and wide-spread adoption of the commercial embodiment of the claimed golf ball - the Top-Flite® Strata™ golf ball.

During prosecution of the present application, Applicant and his attorneys began gathering information relating to the commercial success of the Strata™ ball. Since the Strata™ ball was introduced only very recently, around mid-1996, information concerning its commercial success has only become available after that date. Although some of the information submitted with the Appeal Brief was available prior to the appeal of this application, portions of the information were not available until after the filing of the Notice of Appeal on April 20, 1998, i.e. the article entitled, "Full Metal Jacket, Golf ball performance reaches new levels with the advent of metal construction and multiple layers," published in July of 1998 in *Golf Tips*.

It is important and significant in the opinion of Applicant's attorneys, to present information spanning a relatively long period of time, and preferably up to the present time. The article entitled "Full Metal Jacket..." supplements and confirms the abundance of information and rave reviews of the Strata™ published in 1996 immediately after the introduction of the Strata™

Lastly, the commercial success of the golf ball of the present invention has recently been further highlighted. Specifically, this was the golf ball utilized to win the 1998 Masters® golf tournament and the recent 1998 British Open.

For at least these reasons, it is respectfully submitted that the information submitted with Applicant's Appeal Brief, i.e. Exhibits 1-19, be admitted and considered by the Board.

Respectfully submitted,
FAY, SHARPE, BEALL,
FAGAN, MINNICH & McKEE



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